

Attachment A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

APR 23 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

CORY BAILEY

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: 5:20-cv-70
(To be assigned by the Clerk of Court)

M. BARBER, Lt.

3:20cv166

Groh
Trumble
Sims

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to **Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)**. The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Cory Bailey Inmate No.: 15887-028
Address: HAZELTON USP P.O. Box 2000 Bruceston Mills, WV 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: M. BARBER, Lt.
Position: (LT) Lieutenant
Place of Employment: US P HAZELTON
Address: P.O. Box 2000 Bruce ton Mills, WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: Defendant M. BARBER, Lt. was the supervising Lt on Duty for lunch mainline February 20, 2020

B.1 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

B.2 Name of Defendant: _____
Position: _____
Place of Employment: _____
Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

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If your answer is "YES," briefly explain: _____

B.3 Name of Defendant: _____

Position: _____

Place of Employment: _____

Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

B.4 Name of Defendant: _____

Position: _____

Place of Employment: _____

Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

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B.5 Name of Defendant: _____
 Position: _____
 Place of Employment: _____
 Address: _____

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☐ Yes ☐ No

If your answer is "YES," briefly explain: _____

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: U.S.P HAZELTON

A. Is this where the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☐ Yes ☒ No

D. If your answer is "NO," explain why not: THE Lack of trust in this Institution. I was Intimidated. I filed my complaint with the department of Justice Sexual Assault/PREA. I also filed complaint with National PREA Coordinator Central Office

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. **PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES**

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ ~~NO~~ VOID

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): ~~CORY BAILEY~~ VOID

Defendant(s): ~~M. BARBER~~

2. Court: ~~Northern District of West Virginia~~
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?

☐ Yes ☐ No

D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

E. Did you exhaust available administrative remedies?

☐ Yes ☐ No

F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: Sexual fondling M. BARBER groped my genitals
 events occurred February 20, 2020 at lunch mainline

Supporting Facts: M. BARBER Searched both my legs and

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inside both my pockets, left side then right side at this time is when M. BARBER groped my genitals. After walking through the metal detector. During lunch mainline in the hallway of the green corridor.

CLAIM 2: Intimidation

event occurred February 20, 2020 at lunch mainline

Supporting Facts: After Lt M. BARBER degraded me Lt M. BARBER forced me to stand on the wall with 5 other officers while several inmates walked past. I asked Lt M. BARBER what are you doing and why? I said to Lt M. BARBER you could get me accused of something jumped or stabbed this is not a game this is U.S.P Hazelton. Lt. M. BARBER stated he knows with a smile on his face.

CLAIM 3:

Supporting Facts:

CLAIM 4:

Supporting Facts:

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CLAIM 5:

Supporting Facts:

VI. INJURY

Describe **BRIEFLY and SPECIFICALLY** how you have been injured and the exact nature of your damages.

Emotional disquietude, emotional despair in Authority, feelings of intimidation and taunting. I had to get my Anxiety medication dose raised from 50mg to 100mg and have been suffering various panic attacks. I have to stay busy or my mind will not allow me to relax. I was alienated by my peers and had numerous question of doubt in a dangerous place.

VII. RELIEF

State **BRIEFLY and EXACTLY** what you want the Court to do for you. *Make no legal arguments. Cite no cases or statutes.*

Defendant Lieutenant M. BARBER be found guilty of Sexual Crime, Pay maximum monetary fine, Loss of employment. write a apology letter to the Plaintiff signed by defendant. Designate Plaintiff to FCI Terra Haute, Indiana Immediately.

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at U.S.P Hazelton on April 20, 2020.
(Location) (Date)

CL Bailey
Your Signature

Attachment E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CORY BAILEY

Your full name

v.

Civil Action No.: 3:20cv66
~~5:20-cv-70~~

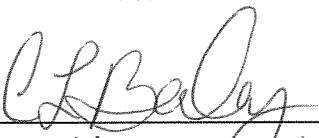
M. BARBER, Lt.

Enter above the full name of defendant(s) in this action

Certificate of Service

I, CORY BAILEY (your name here), appearing *pro se*, hereby certify that I have served the foregoing Federal Civil Rights Complaint (title of document being sent) upon the defendant(s) by depositing true copies of the same in the United States mail, postage prepaid, upon the following counsel of record for the defendant(s) on April 20, 2020 (insert date here):

(List name and address of counsel for defendant(s))


(sign your name)